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United States District Court
Eastern District of Michigan

Bankruptcy Matter
Civil Case Cover Sheet

Bankruptcy Case:

District Court Label

Abdulahad T. Kattula
Debtor

96-55212-tjt
04-4981-tjt

Abdulahad T. Kattula
Plaintiff

vs

K. Jin Lim, Ch 7 trustee for
Abdulahad, T. Kattula, Kenneth M.
Schneider, & Schneider, Miller & Lim
Defendants

Case: 2:07-cv-10157
Assigned To: Cleland, Robert H
Referral Judge: Pepe, Steven D
Filed: 01-09-2007 At 09:23 AM
OTH KATTULA V. LIM, ET AL (TAM)

Marc. L. Newman, Attorney for Plaintiff
950 W. University Rd, Ste 300
Rochester MI 48307
248-841-2200

James E. Tamm, Attorney for defendant
4111 Andover, Ste 300 East
Bloomfield Hills MI 48302-1949
249-433-2000

CAUSE OF ACTION/NATURE OF SUIT: (This matter is referred to the district court for the following reasons)

<input type="checkbox"/>	[422] 28 U.S.C. 158	Bankruptcy Appeal
<input type="checkbox"/>	[423] 28 U.S.C. 157 (d)	Withdrawal of Reference
<u>xxx</u>	[423] 28 U.S.C. 157(c)(1)	Proposed Findings of Fact and Conclusions of Law
<input type="checkbox"/>	[423] 28 U.S.C. 157(c)(a)	Order of Contempt

Attorney Signature/Deputy Clerk

Date: January 9, 2007

Bankruptcy Staff Use Only

Please check as appropriate pursuant to LF 83.50(e)

xxx This case has previously been given a civil case number 04-72880, and assigned to U.S. District Court Judge Robert H. Cleland/SOP.

 This is a new matter and not previously assigned to a district court judge.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case Nos. 97-51164 and 96-55212

ABDULAHAD T. KATTULA,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ABDULAHAD T. KATTULA, assignee of
RANDALL L. FRANK, CHAPTER 7
TRUSTEE OF THE ESTATE OF
ABDULAHAD T. KATTULA,

Plaintiff,

v.

Adv. Pro. No. 04-4981

K. JIN LIM, and KENNETH SCHNEIDER,
and SCHNEIDER, MILLER & LIM, P.C.,

[Former District Court Case
No. 2:04-cv-72880-RHC-SDP;
formerly assigned to Judge Cleland]

Defendants.

**RECOMMENDATION TO THE UNITED STATES DISTRICT COURT
THAT IT WITHDRAW THE REFERENCE IN THIS
ADVERSARY PROCEEDING**

For the reasons explained below, the undersigned bankruptcy judge, *sua sponte*, recommends to the United States District Court that it withdraw the reference previously made of this adversary proceeding, as permitted by 28 U.S.C. § 157(d), in order to conduct a jury trial of the Plaintiff's remaining claim in this adversary proceeding.

A. Background and Status of the Case.

The Plaintiff filed this action in the Wayne County Circuit Court. The Defendants removed the case to the United States District Court by filing a notice of removal on July 29, 2004. The case was assigned to United States District Judge Robert H. Cleland, Case No. 2:04-

cv-72880-RHC-SDP. By an order filed October 20, 2004, the district court referred this case to the bankruptcy court.

The case is now ready for a final pretrial conference and jury trial. The following is a brief description of proceedings that have occurred in the bankruptcy court to date. On March 7, 2005, this Court denied the Plaintiff's motion to remand the case to state court for lack of subject matter jurisdiction or to abstain, for the reasons stated in a bench opinion given on January 27, 2005 (*see* Tr. at Docket #13). Among other things, the Court concluded that it has subject matter jurisdiction under 28 U.S.C. §§ 1334(b) and 157(b)(1), and that this is a core proceeding under 28 U.S.C. § 157(b)(2).

On September 6, 2005, the Court granted in part and denied in part the Defendants' first motion for summary judgment, for reasons stated in a bench opinion given during the hearing held on August 17, 2005 (*see* Tr. at Docket #34). In this ruling, the Court granted summary judgment for Defendants on Plaintiff's legal malpractice claim (Count II), but denied summary judgment with respect to Plaintiff's claim for breach of fiduciary duty (Count I). The Defendants filed a second summary judgment motion, which the Court denied in a bench opinion given on June 23, 2006 and in an order filed the same date (Docket #74). (A transcript of this bench opinion is on file at Docket #91).

The Defendants moved to strike Plaintiff's jury demand, arguing that Plaintiff does not have a right to jury trial on his breach of fiduciary duty claim under the Seventh Amendment to the United States Constitution. In an Order filed January 5, 2007 (Docket #96) the Court denied

the motion, after concluding that Plaintiff does have a right to jury trial. This ruling is explained in a rather lengthy bench opinion given on January 4, 2007.¹

All discovery in this case is complete. A final pretrial order has not yet been entered. Under the most recent scheduling order, the case is scheduled for a final pretrial conference in the bankruptcy court on February 5, 2007, and a trial on March 13, 2007. These dates are, of course, subject to change if the district court withdraws the reference.

B. Reasons for the recommendation to withdraw the reference.

The recommendation to withdraw the reference is based upon the following:

- (1) Plaintiff demanded a jury trial on all of his claims. This jury demand was contained in the Plaintiff's Complaint, filed in the state court before the case was removed.
- (2) One of Plaintiff's two claims, namely Plaintiff's claim for damages against the defendants for breach of fiduciary duty, has survived two motions by the Defendants for summary judgment. As noted above, the Court has determined that Plaintiff has a right to a jury trial on his remaining claim.
- (3) Although Plaintiff consents to the bankruptcy judge conducting the jury trial on the remaining claim, the defendants do not consent;² therefore, the bankruptcy judge cannot conduct

¹ A transcript of that bench opinion has been ordered, and will be filed in the bankruptcy court soon.

² In a bench ruling given at a hearing held on August 30, 2006, the undersigned bankruptcy judge rejected the Plaintiff's argument that the Defendants must be deemed to consent to the bankruptcy court conducting the jury trial, under the Bankruptcy Court's Local Rule 9015-1. That Rule provides:

Rule 9015-1 Effect of Jury Trial Demand

A party who demands a jury trial shall be deemed to have consented to the bankruptcy

(continued...)

a jury trial in this adversary proceeding and any such trial must be conducted by the district court.

See 28 U.S.C. § 157(e); Rafoth v. National Union Fire Insurance Co. (In re Banker & Getty Financial Services Inc.), 954 F.2d 1169, 1172-73 (6th Cir. 1992).

C. Conclusion.

Because the Court has determined that Plaintiff has a right to a jury trial on his remaining claim, and the parties do not all expressly consent to the bankruptcy judge conducting the jury trial, only the district court may do so. For these reasons, the undersigned bankruptcy judge recommends that the district court withdraw the reference.

The Clerk of the Bankruptcy Court will promptly transmit this Recommendation, and any other paper that the district court may request, to the Clerk of the District Court.

Respectfully submitted,

Date: January 5, 2007

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge

Not for Publication

²(...continued)

judge conducting the jury trial unless, concurrently with the filing of the jury demand, the demanding party files a motion to withdraw the reference. The other party or parties shall have 10 days after the service of a jury demand to file a motion to withdraw the reference; otherwise the non-demanding party shall be deemed to have consented to a jury trial conducted by the bankruptcy judge.

This Court concluded that this rule does not apply in this case because the Plaintiff filed his jury demand as part of his complaint in the state court, and the removal of this case occurred more than 10 days later. As a result, it was impossible for the Defendants to have filed a motion to withdraw the reference by the deadline stated in Local Rule 9015-1. A motion to withdraw the reference, of course, could be filed only after the case was removed to the United States District Court and then referred to the bankruptcy court, all of which occurred months after the Plaintiff filed his jury demand in the state court.

TranscriptREQ

**U.S. Bankruptcy Court
Eastern District of Michigan (Detroit)
Adversary Proceeding #: 04-04981-tjt
Internal Use Only**

Assigned to: Judge Thomas J. Tucker

Date Filed: 11/02/04

Related BK Case: 96-55212

Related BK Title: Abdulahad T. Kattula

Related BK Chapter: 7

Demand:

Nature/s of Suit: 498 Other Action

Plaintiff

Abdulahad T. Kattula

4306 Brightwood

Troy, MI 48098

SSN: 375-90-1461

represented by **David M. Black**

2000 Town Center

Suite 900

Southfield, MI 48075-1100

(248) 355-0300

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David J. Shea

950 West University Drive

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LEAD ATTORNEY

Marc L. Newman

950 W. University Rd.

Ste. 300

Rochester, MI 48307

248-841-2200

Email: mln@millershea.com

LEAD ATTORNEY

V.

Defendant

K. Jin Lim, Trustee for Estate of Abdulahad T. Kattula

176 S. Harvey Street

Suite

Plymouth, MI 48170

represented by **James E. Tamm**

O'Conner DeGrazie

4111 Andover

Suite 300 East

Bloomfield Hills, MI 48302-1949

(248) 433-2000

Email: jetamm@odtlegal.com

LEAD ATTORNEY

Kenneth M. Schneider

represented by **James E. Tamm**

(See above for address)

LEAD ATTORNEY

Schneider, Miller & Lim PC, a Michigan Professional Corp.

represented by **James E. Tamm**

(See above for address)

LEAD ATTORNEY

Filing Date	#	Docket Text
11/02/2004	1	Complaint (04-4981) Abdulahad T. Kattula vs. K. Jin Lim . NOS 459 Application For Removal . (Filing Fee \$ 0) (Notice of referring matter to Bankruptcy Court from the Eastern District Court case # 04-72880, received on 10/29/04) (gg) (Entered: 11/04/2004)
12/03/2004	2	Hearing Re: [1-1] Complaint NOS 459 Application For Removal set For 9:00 1/13/05 at Rm.1925, 211 W. Fort St. Bldg. (vf) (Entered: 12/04/2004)
01/07/2005	3	Hearing Re: [1-1] Complaint NOS 459 Application For Removal set For 9:00 1/27/05 at Rm.1925, 211 W. Fort St. Bldg. (vf) (Entered: 01/11/2005)
01/13/2005	4	Hearing Adjourned re: [1-1] Complaint NOS 459 Application For Removal (Adjourned to 1/27/05 at 9:00) (vf) (Entered: 01/14/2005)
01/27/2005	5	Hearing Held Re: [1-1] Complaint NOS 459 Application For Removal (Disposition: Denied) . (vf) (Entered: 01/29/2005)
02/02/2005	6	Order for Initial Scheduling/Status Conference in an Adversary Proceeding ; Status Hearing set for 9:00 2/28/05 at Rm.1925, 211 W. Fort St. Bldg. (vf) (Entered: 02/03/2005)
02/08/2005	7	Motion By Defendant K. Jin Lim, Defendant Kenneth M. Schneider, Defendant Schneider, Miller & Lim PC For Summary Judgment . (vf) (Entered: 02/09/2005)
02/08/2005	8	Brief/Memorandum By James E. Tamm for Defendant Schneider, Miller & Lim PC, Defendant Kenneth M. Schneider, Defendant K. Jin Lim In Support Of [7-1] Motion For Summary Judgment by Schneider, Miller & Lim PC, Kenneth M. Schneider, K. Jin Lim . (vf) (Entered: 02/09/2005)
02/08/2005	9	Notice of Hearing (vf) (Entered: 02/09/2005)
02/08/2005	10	Certificate Of Service Of [7-1] Motion For Summary Judgment by Schneider, Miller & Lim PC, Kenneth M. Schneider, K. Jin Lim, [8-1] Support Brief/Memorandum by James E. Tamm, [9-1] Notice of . (vf) (Entered: 02/09/2005)
02/23/2005	11	Joint Fed R. Civ.P. 26(f) Report and Discovery Plan and Briefing Schedule and Briefing Schedule by Plaintiff Abdulahad T. Kattula (vf) (Entered: 03/04/2005)
02/28/2005	12	Hearing Held Re: [1-1] Complaint NOS 459 Application For Removal (Disposition: order to Follow) . (vf) (Entered: 03/04/2005)
03/04/2005	13	Transcript of Hearing Held on 1/27/05 RE: [1-1] Complaint NOS 459 Application For Removal (vf) (Entered: 03/08/2005)
03/07/2005	14	Order Denying Plaintiff's Motion for Remand (vf) (Entered: 03/08/2005)
03/11/2005	15	Scheduling Order. Final Pre-Trial Conf Set for 9:00 1/9/06 at Rm.1925, 211 W. Fort St. Bldg. ; Trial Hearing Scheduled For 9:00 1/17/06 at Rm.1925, 211 W. Fort St. Bldg. (vf) (Entered: 03/15/2005)

03/31/2005	16	Brief In Response By Plaintiff Abdulahad T. Kattula To [7-1] Motion For Summary Judgment by Schneider, Miller & Lim PC, Kenneth M. Schneider, K. Jin Lim . (vf) (Entered: 04/04/2005)
04/04/2005	17	Notice of Filing Corrected Exhibtiby Number 3 To His Summary Judgment Response Brief By Plaintiff Abdulahad T. Kattula RE: (vf) (Entered: 04/05/2005)
04/04/2005	18	Certificate Of Service Of [16-1] Response by Abdulahad T. Kattula, [17-1] Notice of by Abdulahad T. Kattula . (vf) (Entered: 04/05/2005)
04/04/2005	19	Certificate Of Service Of [16-1] Response by Abdulahad T. Kattula . (vf) (Entered: 04/08/2005)
04/05/2005	21	Stipulation and Order by and between Defendant Schneider, Miller & Lim PC, Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Judge Thomas J. Tucker Stipulated Briefing Schedule for Defendants' Motion for Summary Judgment (vf) (Entered: 04/13/2005)
04/08/2005	20	Amended Stipulated Briefing Schedule for Defendants's Motion for Summary Judgment with Corrected Case Number & (Deadline lines for Plaintiff to File Response to Motion: 3/31/05, Deadline for Defendants To File Reply Brief: 4/29/05 (vf) (Entered: 04/12/2005)
04/19/2005	23	Certificate Of Service Of [20-1] Amended Document . (vf) (Entered: 04/22/2005)
04/20/2005	22	Plaintiff's Supplemental Exhibits to [16-1] Response by Abdulahad T. Kattula by David J. Shea for Plaintiff Abdulahad T. Kattula (vf) (Entered: 04/21/2005)
04/27/2005	24	Defendants' Brief In Reply to Plaintiff's Reponse To Motion For Summary Judgment Re: [16-1] Response by Abdulahad T. Kattula . (vf) (Entered: 04/28/2005)
07/01/2005	25	Notice of Hearing on [7] Motion for Summary Judgment filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC Hearing to be held on 8/17/2005 at 09:00 AM Courtroom 1925 for [7], (Vozniak, Mary) (Entered: 07/01/2005)
07/03/2005	26	BNC Certificate of Mailing - Hearing. (RE: related document(s)25 Notice of Hearing(ap)) No. of Notices: 2. Service Date 07/03/2005. (Admin.) (Entered: 07/04/2005)
07/20/2005	27	Notice of Appearance and Request for Notice by Marc L. Newman Filed by Plaintiff Abdulahad T. Kattula . (ckata,) (Entered: 08/02/2005)
07/20/2005	28	Certificate of Service Filed by Plaintiff Abdulahad T. Kattula (RE: related document(s)[27] Notice of Appearance). (ckata,) (Entered: 08/02/2005)
07/28/2005	29	Stipulated Order By and Between Kattula , Lim Re: To Amend Discovery Plan . . (Fields, Valarie) (Entered: 08/08/2005)
08/11/2005	30	Supplemental Brief In Support Filed by Defendant K. Jin Lim (RE: related document(s)[7] Motion for Summary Judgment). (Fields, Valarie) (Entered: 08/12/2005)

08/11/2005	③1	Certificate of Service Filed by Defendant K. Jin Lim (RE: related document(s)[30] Brief). (Fields, Valarie) (Entered: 08/12/2005)
08/17/2005	③	Minute Entry. Disposition: Hearing Held - Granted in part and Denied in Part. (RE: related document(s)[7] Motion for Summary Judgment filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) (Vozniak, Mary) (Entered: 08/17/2005)
08/24/2005	③2	Transcript Order Form of Hearing 8/17/05, Filed by Julie McCann O'Connor (RE: related document(s)[7] Motion for Summary Judgment). (Sam R,) (Entered: 08/26/2005)
09/06/2005	③3	Order Granting in part, Denying in part Motion For Summary Judgment (Related Doc # [7]). (Mike R.,) (Entered: 09/16/2005)
09/15/2005	③4	Transcript of Hearing held on 8/17/05, . (Mike R.,) (Entered: 09/16/2005)
09/16/2005	③5	Motion to Withdraw as Attorney for Plaintiff by Marc L. Newman Filed by Marc L. Newman (Robbins, Peter) (Entered: 09/22/2005)
09/16/2005	③6	Brief Filed by Marc L. Newman (RE: related document(s)35 Motion to Withdraw as Attorney by Marc L. Newman). (Robbins, Peter) (Entered: 09/22/2005)
09/16/2005	③7	Notice and Opportunity to Respond/Object; Filed by (RE: related document(s)35 Motion to Withdraw as Attorney). Response due by 10/11/2005. (Robbins, Peter) (Entered: 09/22/2005)
09/16/2005	③8	Certificate of Service Filed by Marc L. Newman (RE: related document(s)36 Brief, 37 Notice and Opportunity for Hearing, 35 Motion to Withdraw as Attorney by Marc L. Newman). (Robbins, Peter) (Entered: 09/22/2005)
10/18/2005	④5	Stipulation to Withdraw as Attorney by Marc L. Newman Filed by Plaintiff Abdulahad T. Kattula (lg,) (Entered: 11/22/2005)
10/25/2005	④9	Certification of Non-Response to Motion to Withdraw Filed by Other Professional Miller Shea, P.C. (RE: related document(s)35 Motion to Withdraw as Attorney by Marc L. Newman). (Olijnyk, Martha) (Entered: 10/25/2005)
10/25/2005	④0	Certificate of Service for Certification of Non-Response to Motion to Withdraw Filed by Other Professional Miller Shea, P.C.. (Olijnyk, Martha) (Entered: 10/25/2005)
10/28/2005	④1	Order Granting Motion To Withdraw As Attorney (Related Doc # 35). (G, S) (Entered: 10/28/2005)
11/09/2005	④2	Motion For Summary Judgment Filed by Defendant K. Jin Lim (Mike R.,) (Entered: 11/10/2005)
11/18/2005	④3	Notice of Hearing on Status hearing to be held on 12/5/2005 at 09:00 AM at Courtroom 1925. (Vozniak, Mary) (Entered: 11/18/2005)
11/20/2005	④4	BNC Certificate of Mailing. (RE: related document(s)43 Notice of Hearing(ap))

		No. of Notices: 3. Service Date 11/20/2005. (Admin.) (Entered: 11/21/2005)
11/23/2005	• 46	Motion to Adjust Scheduling Order Filed by Plaintiff Abdulahad T. Kattula (Mike R.,) (Entered: 11/29/2005)
12/05/2005	•	Minute Entry. Disposition: Status Conference held - Order to Follow. (Vozniak, Mary) (Entered: 12/05/2005)
12/05/2005	• 49	Response to (related document(s): 46 Motion) Filed by Defendants K. Jin Lim , Kenneth M. Schneider , Schneider, Miller & Lim PC (Mike R.,) (Entered: 12/13/2005)
12/08/2005	• 47	Response to (related document(s): 42 Motion For Summary Judgment) Filed by Plaintiff Abdulahad T. Kattula (Black, David) (Entered: 12/08/2005)
12/09/2005	• 48	Scheduling Order . Final Pre-Trial Conference set for 2/15/2006 at 09:00 AM at Courtroom 1925. Trial date set for 2/15/2006 at 09:00 AM at Courtroom 1925. (Vozniak, Mary) (Entered: 12/09/2005)
01/04/2006	• 50	Document <i>Witte Expert Testimony Report Pursuant to Fed R Bankr P 7026 and Fed R CIV P 26(a)(2)(B) part 1</i> Filed by Plaintiff Abdulahad T. Kattula. (Black, David) (Entered: 01/04/2006)
01/04/2006	• 51	Document <i>CV of Witte and Proof of Service to be attached to docket entry 50 (part 2)</i> Filed by Plaintiff Abdulahad T. Kattula. (Black, David) (Entered: 01/04/2006)
01/09/2006	•	Minute Entry. Hearing Adjourned. Final Pre-Trial Conference set for 2/15/2006 at 09:00 AM at Courtroom 1925. (Vozniak, Mary) (Entered: 01/09/2006)
02/13/2006	• 52	Notice of Adjournment of Hearing (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) Hearing to be held on 2/22/2006 at 12:00 PM Courtroom 1975 for 42, (Vozniak, Mary) (Entered: 02/13/2006)
02/13/2006	• 53	Notice of Adjournment of Hearing Final Pre-Trial Conference scheduled for 2/22/2006 at 12:00PM at Courtroom 1925. Trial date set for 2/22/2006 at 12:00 PM at Courtroom 1925. (Vozniak, Mary) (Entered: 02/13/2006)
02/15/2006	•	Minute Entry. Hearing Adjourned. New notice of hearing already on file (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) (Vozniak, Mary) (Entered: 02/15/2006)
02/15/2006	• 54	BNC Certificate of Mailing. (RE: related document(s)53 Notice of Adjournment of Hearing (AP Other)) No. of Notices: 5. Service Date 02/15/2006. (Admin.) (Entered: 02/16/2006)
02/15/2006	• 55	BNC Certificate of Mailing. (RE: related document(s)52 Notice of Adjournment of Hearing (AP Motion/OSC)) No. of Notices: 5. Service Date 02/15/2006. (Admin.) (Entered: 02/16/2006)
02/15/2006	• 56	BNC Certificate of Mailing. (RE: related document(s)53 Notice of Adjournment of Hearing (AP Other)) No. of Notices: 5. Service Date 02/15/2006. (Admin.) (Entered: 02/16/2006)

02/24/2006	●	Minute Entry. Hearing Adjourned at request of parties - stipulation to follow (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) Hearing to be held on 3/22/2006 at 12:00 PM Courtroom 1925 for 42, (Vozniak, Mary) (Entered: 02/24/2006)
03/17/2006	● 57	Notice of Adjournment of Hearing (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) Hearing to be held on 4/19/2006 at 12:00 PM Courtroom 1925 for 42, (Vozniak, Mary) (Entered: 03/17/2006)
03/17/2006	● 58	Notice of Adjournment of Hearing Final Pre-Trial Conference scheduled for 4/19/2006 at 12:00PM at Courtroom 1925. Trial date set for 4/19/2006 at 12:00 PM at Courtroom 1925, (Vozniak, Mary) (Entered: 03/17/2006)
03/19/2006	● 59	BNC Certificate of Mailing, (RE: related document(s)58 Notice of Adjournment of Hearing (AP Other)) No. of Notices: 5. Service Date 03/19/2006. (Admin.) (Entered: 03/20/2006)
03/19/2006	● 60	BNC Certificate of Mailing, (RE: related document(s)57 Notice of Adjournment of Hearing (AP Motion/OSC)) No. of Notices: 5. Service Date 03/19/2006. (Admin.) (Entered: 03/20/2006)
03/19/2006	● 61	BNC Certificate of Mailing, (RE: related document(s)58 Notice of Adjournment of Hearing (AP Other)) No. of Notices: 5. Service Date 03/19/2006. (Admin.) (Entered: 03/20/2006)
03/24/2006	● 62	Notice of Appearance and Request for Notice by James E. Tamm Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC, (Tamm, James) (Entered: 03/24/2006)
03/27/2006	● 63	Stipulation By and Between Abdulahad Kattula-pltf; K. Jin Lim, Kenneth Schneider, Schneider, Miller & Lim, PC-Def's Re: Adjournment of Mtn for Summ Judg, Final PT Conf and Trial dates. Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC, (Tamm, James) (Entered: 03/27/2006)
04/01/2006	● 64	Order to Adjourn Hearing On Defendants' Motion For Summary Judgment, Final Pretrial Conference and Trial Dates. (related documents Stipulation,) (RE: related document(s)63 Stipulation, filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC). Hearing to be held on 5/10/2006 at 12:00 AM Courtroom 1925 for 63, (King, Jody) (Entered: 04/03/2006)
04/19/2006	●	Minute Entry. Hearing Adjourned. Hearing to be held on 5/10/2006 at 12:00 PM Courtroom 1875 Final Pre-Trial Conference set for 5/10/2006 at 12:00 PM at Courtroom 1875. Trial date set for 5/10/2006 at 12:00 PM at Courtroom 1925, (Vozniak, Mary) (Entered: 04/19/2006)
04/19/2006		Reopen Document (RE: related document(s)[7] Motion for Summary Judgment filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) (Vozniak, Mary) (Entered: 04/19/2006)
05/10/2006	●	Minute Entry. Hearing Held - Matter Taken Under Advisement - Bench Opinion set for (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) Hearing to be held on 5/17/2006 at 10:00 AM Courtroom 1925 for 42, Final Pre-Trial Conference scheduled for 5/17/2006 at 10:00AM at Courtroom

		1925. Trial date set for 5/17/2006 at 10:00 AM at Courtroom 1925. (Vozniak, Mary) (Entered: 05/10/2006)
05/17/2006	65	Notice of Adjournment of Hearing (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) Hearing to be held on 6/7/2006 at 12:00 PM for 42, (Vozniak, Mary) (Entered: 05/17/2006)
05/19/2006	66	BNC Certificate of Mailing. (RE: related document(s)65 Notice of Adjournment of Hearing (AP Motion/OSC)) No. of Notices: 2. Service Date 05/19/2006. (Admin.) (Entered: 05/20/2006)
06/06/2006	67	Notice of Adjournment of Bench Opinion RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) Hearing to be held on 6/23/2006 at 02:00 PM Courtroom 1875 for 42, (Vozniak, Mary) (Entered: 06/06/2006)
06/06/2006	68	Notice of Adjournment of CONTROL DATES RE: Final Pre-Trial Conference scheduled for 6/23/2006 at 02:00PM at Courtroom 1925. Trial date set for 6/23/2006 at 02:00 PM at Courtroom 1925. (Vozniak, Mary) (Entered: 06/06/2006)
06/08/2006	69	BNC Certificate of Mailing. (RE: related document(s)68 Notice of Adjournment of Hearing (AP Other)) No. of Notices: 5. Service Date 06/08/2006. (Admin.) (Entered: 06/09/2006)
06/08/2006	70	BNC Certificate of Mailing. (RE: related document(s)67 Notice of Adjournment of Hearing (AP Motion/OSC)) No. of Notices: 3. Service Date 06/08/2006. (Admin.) (Entered: 06/09/2006)
06/08/2006	71	BNC Certificate of Mailing. (RE: related document(s)68 Notice of Adjournment of Hearing (AP Other)) No. of Notices: 4. Service Date 06/08/2006. (Admin.) (Entered: 06/09/2006)
06/13/2006	72	Letter to Judge Tucker Filed by Plaintiff Abdulahad T. Kattula (RE: related document(s) Minute Entry. Hearing Adjourned (AP), Minute Entry. Hearing Adjourned (AP)). (Attachments: # 1 Volume(s) opinion part 1 pages 1-8# 2 Volume(s) opinion part 2 pages 9 to end) (Black, David) (Entered: 06/13/2006)
06/14/2006	73	Letter to Mary Vozniak, Deputy Clerk Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC. (Attachments: # 1 Letter) (Tamm, James) (Entered: 06/14/2006)
06/23/2006		Minute Entry. Motion Denied. (RE: related document(s)42 Motion for Summary Judgment filed by Defendant K. Jin Lim) (Vozniak, Mary) (Entered: 06/23/2006)
06/23/2006	74	Order Denying Defendants' Second Motion For Summary Judgment. (Related Doc # 42). (Wilson, J) (Entered: 06/23/2006)
06/23/2006	75	Further Scheduling Order. (RE: related document(s)68 Notice of Adjournment of Hearing (AP Other)). Final Pre-Trial Conference scheduled for 9/25/2006 at 09:00AM at Courtroom 1925. Trial date set for 10/10/2006 at 09:00 AM at Courtroom 1925. (Wilson, J) (Entered: 06/23/2006)
07/20/2006	76	Motion to Strike Plaintiff's Jury Demand Filed by Defendants K. Jin Lim, Kenneth

		M. Schneider, Schneider, Miller & Lim PC (Tamm, James) (Entered: 07/20/2006)
07/20/2006	77	Motion for Further Discovery Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC (Tamm, James) (Entered: 07/20/2006)
07/21/2006	78	Transcript Order Form of Hearing 6/23/2006, Filed by Plaintiff Abdulahad T. Kattula (RE: related document(s)42 Motion For Summary Judgment). (Black, David) (Entered: 07/21/2006)
08/02/2006	79	Response to (related document(s): 77 Motion for Further Discovery) Filed by Plaintiff Abdulahad T. Kattula (Black, David) (Entered: 08/02/2006)
08/02/2006	80	Response to (related document(s): 76 Motion to Strike Plaintiff's Jury Demand) Filed by Plaintiff Abdulahad T. Kattula (Black, David) (Entered: 08/02/2006)
08/03/2006	81	Notice of Hearing on (RE: related document(s)77 Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC, 76 Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) Hearing to be held on 8/30/2006 at 09:00 AM Courtroom 1925 for 77 and for 76, (Vozniak, Mary) (Entered: 08/03/2006)
08/05/2006	82	BNC Certificate of Mailing - Hearing. (RE: related document(s)81 Notice of Hearing(ap), Notice of Hearing(ap)) No. of Notices: 3. Service Date 08/05/2006. (Admin.) (Entered: 08/06/2006)
08/21/2006	83	Motion for Continuance of Trial Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC (Attachments: # 1 Index List of Exhibits# 2 Exhibit A-Order for Adjournment# 3 Exhibit B-Scheduling Order# 4 Exhibit C-Order to Adjourn Dates) (Tamm, James) (Entered: 08/21/2006)
08/23/2006	84	Response to (related document(s): 83 Motion for Continuance of Trial) Filed by Plaintiff Abdulahad T. Kattula (Black, David) (Entered: 08/23/2006)
08/30/2006		Minute Entry. IIIHEARING HELD; and continued (RE: related document(s)76 Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) Hearing to be held on 10/4/2006 at 09:00 AM Courtroom 1925 for 76, (Vozniak, Mary) (Entered: 08/30/2006)
08/30/2006		Minute Entry. Motion Granted. (RE: related document(s)77 Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) (Vozniak, Mary) (Entered: 08/30/2006)
08/30/2006		Minute Entry. Motion Granted re: Motion to Adjourn Trial Date; FPTC: 11/20/06, Trial 12/05/06. (Vozniak, Mary) (Entered: 08/30/2006)
08/30/2006		CORRECTED Minute Entry. Hearing HELD AND CONTINUED (RE: related document(s)76 Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) Hearing to be held on 10/18/2006 at 09:00 AM Courtroom 1925 for 76, (Vozniak, Mary) (Entered: 08/30/2006)
08/30/2006	85	Further Scheduling Order - Hearing on Defendant's Motion to Strike Jury Demand

		set for 10/18/06 at 9:00 a.m.; Final Pre-Trial Conference adjourned to 11/20/2006 at 09:00 AM; Trial date set for 12/5/2006 at 09:00 AM. (Mum, J) (Entered: 08/30/2006)
09/08/2006	86	Reply to (related document(s): <u>76</u> Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC (Tamm, James) (Entered: 09/08/2006)
09/28/2006	87	Brief <i>Further Brief on Entitlement to a Jury Trial</i> Filed by Plaintiff Abdulahad T. Kattula. (Black, David) (Entered: 09/28/2006)
10/18/2006	88	Minute Entry. Disposition: HEARING HELD - Court to issue written recommendation to District Court. (RE: related document(s) <u>76</u> Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) (Vozniak, Mary) (Entered: 10/18/2006)
10/27/2006	88	Memorandum Regarding Defendants' Motion To Strike Plaintiff's Jury Demand (Re: # <u>76</u> Motion). (Mum, J) (Entered: 10/27/2006)
11/03/2006	89	Declaration <i>Supplemental Report Regarding Expert Michael Cruse</i> Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC. (Attachments: # <u>1</u> Index # <u>2</u> Exhibit A-Michael Cruse Curriculum Vita) (Tamm, James) (Entered: 11/03/2006)
11/03/2006	90	Certificate of Service Filed by Defendants K. Jin Lim, Kenneth M. Schneider, Schneider, Miller & Lim PC (RE: related document(s) <u>89</u> Declaration). (Tamm, James) (Entered: 11/03/2006)
11/06/2006	91	Transcript of Hearing held on 6/23/06 Re: Bench Opinion Filed by David Black . (Fields, Valarie) (Entered: 11/07/2006)
11/16/2006	92	Stipulation By and Between Plaintiff and Defendants Re: Adjournment of Pretrial and Trial . Filed by Plaintiff Abdulahad T. Kattula. (Black, David) (Entered: 11/16/2006)
11/17/2006	93	Order Adjourning Final Pretrial Conference And Trial (Re: # <u>85</u> Further Scheduling Order); Final Pre-Trial Conference adjourned to 2/5/2007 at 09:00 AM; Trial adjourned to 3/13/2007 at 09:00 AM. (Mum, J) (Entered: 11/17/2006)
11/17/2006		Hearing Dates Updated per Order - Final Pre-Trial Conference set for 2/5/2007 at 09:00 AM; Trial date set for 3/13/2007 at 09:00 AM. (Mum, J) (Entered: 11/17/2006)
12/22/2006	94	Notice of BENCH OPINION Hearing on (RE: related document(s) <u>76</u> Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) Hearing to be held on 1/4/2007 at 02:00 PM Courtroom 1925 for <u>76</u> , (Vozniak, Mary) (Entered: 12/22/2006)
12/24/2006	95	BNC Certificate of Mailing - Hearing. (RE: related document(s) <u>94</u> Notice of Hearing(ap), Notice of Hearing(ap)) No. of Notices: 2. Service Date 12/24/2006. (Admin.) (Entered: 12/25/2006)

01/04/2007	●	Minute Entry. BENCH OPINION ISSUED: Motion Denied. (RE: related document(s) <u>76</u> Generic Motion filed by Defendant Kenneth M. Schneider, Defendant K. Jin Lim, Defendant Schneider, Miller & Lim PC) (Vozniak, Mary) (Entered: 01/04/2007)
01/05/2007	● <u>96</u>	Order Denying Defendants' Motion To Strike Plaintiff's Jury Demand (Related Doc # 76). (Mum, J) (Entered: 01/05/2007)
01/05/2007	● <u>97</u>	Recommendation to the United States District Court That It Withdraw the Reference in this Adversary Proceeding. (Vozniak, Mary) (Entered: 01/05/2007)